

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LAVICIEIA STURDIVANT,)
)
 Plaintiff,)
)
 v.) Case No.:
)
 FINANCIAL RECOVERY SERVICES,)
 INC.)
)
 Defendant.)
)
)

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

LAVICIEIA STURDIVANT (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against FINANCIAL RECOVERY SERVICES, INC. (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

4. Defendant conducts business in the state of Illinois, and therefore, personal jurisdiction is established.

5. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

6. Declaratory relief is available pursuant to 28 U.S.C. 2201 and 2202.

PARTIES

7. Plaintiff is a natural person residing in Evanston, Cook County, Illinois.

8. Plaintiff is a person within the meaning of 15 U.S.C. 1692d.

9. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.

10. Plaintiff is informed and believes, and thereon alleges, that Defendant is a corporation located in Bloomington, McLean County, Illinois.

11. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

12. Defendant constantly and continuously placed collection calls to Plaintiff seeking and demanding payment for an alleged debt owed by Plaintiff's sister Whitney, calling daily for several weeks, multiples times per day.

13. Plaintiff has informed Defendant on multiple occasions that she does not owe the debt; however, Defendant has continued to call Plaintiff after being apprised of such information.

14. Defendant places collection calls to Plaintiff on her home phone of 847-864-9926 and calls Plaintiff from 877-740-9746.

15. Defendant is rude and abusive towards Plaintiff in its communications regarding the alleged debt owed by her sister.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

16. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff;
 - b. Defendant violated §1692d(2) of the FDCPA by using language the natural consequence of which was the abuse of the Plaintiff; and
 - c. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

WHEREFORE, Plaintiff, LAVICIEIA STURDIVANT, respectfully requests judgment be entered against Defendant, NATIONAL SERVICE BUREAU, for the following:

17. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act;
18. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*;
19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*; and
20. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: /s/ Adam J. Krohn
Adam J. Krohn
KROHN & MOSS, LTD.
120 W. Madison Street, 10th Floor
Chicago, IL 60602
(312) 578-9428
Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, LAVICIEIA STURDIVANT, demands a jury trial in this case.

VERIFICATION OF COMPLAINT AND CERTIFICATION

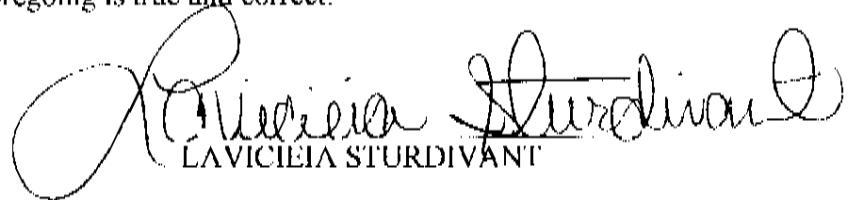
STATE OF ILLINOIS
COUNTY OF COOK

Plaintiff, LAVICIEA STURDIVANT, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, LAVICIEA STURDIVANT, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

4-9-10
Date


LAVICIEA STURDIVANT